

### **Remarks**

In response to the non-final Office Action mailed July 28, 2006, the Applicants respectfully requests reconsideration of the rejection and that the case pass to issue in light of the remarks below. Applicant thanks Examiner Tso for the indication of allowable matter.

The Examiner has set forth the following rejection, Claims 1-2, 9-10, 15-18 and 21 are rejected under 35 U.S.C. §102 (b) as being anticipated by US Patent No. 3,210,067 to Ferguson et al. Claims 3-8, 11-14, 19, 20 and 22-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

### **Rejection of Claims under 35 U.S.C. §102**

The Examiner has rejected Claims 1-2, 9-10, 15-18 and 21 under 35 U.S.C. §102(b). Applicant respectfully traverses the rejection made under 35 U.S.C. §102 (b). Reconsideration and withdrawal of the rejection is respectfully requested.

The Applicants respectfully submit that Ferguson fails to disclose discharging a capacitor with energy flow to an electric motor, as recited in the rejected independent claims 1, 9, 15, and 18. In particular, Ferguson fails to disclose: (i) discharging the capacitor without causing the motor to drive a vehicle/device connected thereto (Claims 1 and 18) and (ii) discharging the capacitor such that stored capacitor energy is controllably transferred from the capacitor to the electric motor (Claims 9 and 15).

Ferguson is limited to an electromechanical system for reducing the speed at which a motor closes a pedestrian exit or entrance door. The system includes a relay which is selectively energized to control current flow from a power source to the motor so as to

control the rate at which the door closes. In more detail, Ferguson includes a capacitor that discharges energy directly to the relay for energizing the relay in order to close a contactor so that the contactor can place a resistor in parallel with the electric motor in order to slow the current flow to the motor, and thereby, the speed at which the motor closes the door. The energy discharged from the capacitor only energizes the relay - not the motor - and the motor continues to close the door after the capacitor is discharged.

Claims 1 and 18 provides for discharging the capacitor without causing the motor to drive a vehicle or device connected thereto. Ferguson still drives the door when the capacitor is discharged such that Ferguson fails to disclose the limitations recited in claims 1 and 18.

Claims 9 and 15 provide for controllably discharging the energy from a capacitor to the electric motor. Ferguson discloses transferring energy from the capacitor to the relay for energizing the relay - and not driving the motor - such that Ferguson fails to disclose the limitation recited in claims 9 and 15.

The failure of Ferguson to disclose (i) discharging energy from the capacitor without causing the electric motor to drive a vehicle or a device connected thereto (claims 1 and 18), and (ii) discharging the capacitor such that stored capacitor energy is controllably transferred from the capacitor to the electric motor (claims 9 and 15) renders Ferguson as unsuitable for rejecting the pending claims under 35 U.S.C. §102(b). Consequently, independent claims 1, 9, 15 and 18 and the dependent claims that depend therefrom are patentable over the cited reference.

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In view of the foregoing, the Applicants respectfully request reconsideration of the rejections and that the case pass to issue. The Examiner is invited to contact the undersigned if it would further prosecution of this case to issue.

Respectfully submitted,

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